

THE HON. JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

OLYMPIC TUG & BARGE, INC., a  
Washington corporation, and HARLEY  
MARINE FINANCING, LLC, a Delaware  
limited liability company,

Plaintiffs,

v.

LOVEL BRIERE LLC, a Nevada limited  
liability company,

Defendant.

IN ADMIRALTY

Case No. 2:22-cv-01530

~~[PROPOSED]~~ ORDER GRANTING  
PLAINTIFFS' EMERGENCY MOTION FOR  
A TEMPORARY RESTRAINING ORDER

THIS MATTER having come before the Court on the emergency motion of Plaintiffs Olympic Tug & Barge, Inc., and Harley Marine Financing, LLC (together, "Plaintiffs"), for entry of a temporary restraining order ("TRO") against Lovel Briere LLC ("Lovel") enjoining it from declaring a breach of a bareboat charter agreement (the "Agreement") relating to the vessel Lovel Briere (the "Vessel") and arresting the Vessel based on such a breach. (Mot. (Dkt. # 3).) Plaintiffs provided counsel for Lovel notice of the filing of their complaint and

1 motion for a temporary restraining order by email on October 27, 2022, at 4:43 p.m. (*See*  
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 3 Gossler Decl. (Dkt. # 9) ¶ 3, Ex. A.) Lovel has not filed with the court notice that it intends  
 4  
 5 to oppose Plaintiffs' motion for a temporary restraining order. (*See generally* Dkt.); *see* Local  
 6  
 7 Rules W.D. Wash. LCR 65(b)(4) (requiring the non-movant to file a notice indicating whethre  
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 9 it plans to oppose a motion for temporary restraining order within 24 hours after service of the  
 10  
 11 motion).  
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14  
 15 The Court having considered the motion and all papers filed in support of the same;  
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 17 and the Court being fully advised in the premises; and the Court having found that  
 18  
 19 (a) Plaintiffs are likely to succeed on the merits of their claim for a declaratory judgment,  
 20  
 21 (b) there is a likelihood that Plaintiffs will be irreparably harmed absent entry of a TRO,  
 22  
 23 (c) the balance of equities favors Plaintiffs, and (d) entry of the requested TRO is in the public  
 24  
 25 interest; now, therefore,  
 26  
 27

28 IT IS HEREBY ORDERED THAT:  
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- 30 1. Plaintiffs' motion for a TRO is GRANTED;
- 31  
 32 2. Lovel is hereby enjoined from (a) declaring a breach of the Charter Agreement  
 33 relating in any way to the increase in the hire rate proposed by Lovel in its letter  
 34 of September 27, 2022, attached as Exhibit B to Plaintiffs' complaint (Dkt. # 1);  
 35 and (b) arresting the Vessel based on any such breach.  
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 37 3. Plaintiffs shall file with the court proof that they have served this order on Lovel  
 38 by no later than 5:00 p.m. on Monday, October 31, 2022.  
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 40 4. The court will set a briefing schedule and hearing to determine whether Lovel  
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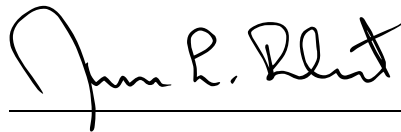
1 should be preliminarily enjoined from the actions in Paragraph 2 above after counsel  
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3 for Lovel have appeared in this action.  
4

5 5. Plaintiffs shall provide security of \$75,000 pursuant to Federal Rule of Civil  
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7 Procedure 65(c) in connection with this temporary restraining order.  
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9  
10 6. Pursuant to Federal Rule of Civil Procedure 65(b)(2), the temporary restraining  
11  
12 order instituted by this order expires 14 days from the date of this order unless the  
13  
14 court issues an extension for good cause or the parties consent to an extension. *See*  
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16 Fed. R. Civ. P. 65(b)(2).  
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20 DATED this 31st day of October, 2022.  
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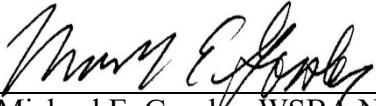
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The Honorable James L. Robart  
United States District Judge

PRESENTED BY:

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